

IN THE DISTRICT COURT OF IOWA IN AND FOR POLK COUNTY

KAYLA KOETHER, in her individual
capacity as the Democratic Nominee for the
Iowa House of Representatives District 55,

Plaintiff,

vs.

PAUL PATE in his official capacity as Iowa
Secretary of State; BENJAMIN STEINES in
his official capacity as County Auditor for
Winneshiek County, Iowa,

Defendants.

CASE NO. _____

AFFIDAVIT OF KAYLA KOETHER

I, Kayla Koether, am over the age of 18 and a citizen of the State of Iowa and the United States of America and make the following statements on the basis of personal knowledge:

1. I reside in Winneshiek County, Iowa.
2. I am the Democratic Nominee for the Iowa House of Representatives District 55.
3. I have personal knowledge relating to the election irregularities set forth in the Petition.
4. On or after Election Day, November 6, 2018, but prior to the canvass of the votes, the Winneshiek County Auditor received thirty-three absentee ballots returned via the United States Postal Service.
5. Twenty-nine of the ballots were received on November 7, 2018, making it highly probable they were mailed the day before the Election.
6. Two of the thirty-three ballots arrived during the canvass.
7. Mail travels from Winneshiek County to Waterloo and then returns to Winneshiek for delivery, this usually takes two to three days.
8. I, my campaign and my agents have repeatedly asked for the Winneshiek County

Auditor and the Iowa Secretary of State to obtain the information from the United States Post Office.

9. Since the ballots do not contain a stamp-canceling postmark, the Election Official Defendants have refused to count the ballots.

10. The thirty-three absentee ballots in question contain intelligent mail barcodes, which contain information regarding when the ballots were placed into the federal mail system.

11. Despite the presence of the intelligent mail barcode, the Election Official Defendants refuse to obtain the information from the absentee ballots despite their responsibility to facilitate free and fair elections.

12. The intelligent mail barcodes are reused every thirty to forty-five days and if the information is not obtained, the results of the election will be open to challenge for election misconduct by the Election Official Defendants.

13. Fayette County Election Officials, through the absentee and special voters precinct board have included twenty absentee ballots received on or after Election Day, approximately twelve of which did not contain stamp-canceling postmarks.

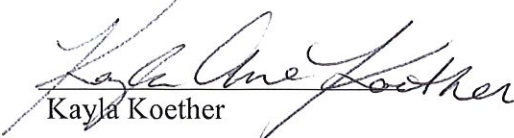
14. After a recount conducted after the election, the difference in the vote count between myself and my opponent is only nine votes.

15. As the difference in the election is nine votes, it is likely this race could be decided differently should the absentee ballots mailed prior to Election Day be counted.

16. The Iowa Secretary of State has scheduled a meeting to certify the election results on December 3, 2018.

17. The election cannot be properly decided fairly without determining when the absentee ballots were placed into the federal mail system and counting the properly mailed ballots in the final election count.

I certify under penalty of perjury under the laws of the United States of America and pursuant to the laws of the state of Iowa that the preceding is true and correct.


Kayla Koether

Subscribed and sworn to before me by Kayla Koether on this 29th day of November, 2018.


Notary Public - State of Iowa

10/17/21